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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,836	08/14/2003	Jesus Maria Lata Perez	P/189-262	4068

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NEW YORK, NY 100368403

EXAMINER

NGUYEN, NINH H

ART UNIT PAPER NUMBER

3745

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/642,836	<b>Applicant(s)</b> LATA PEREZ, JESUS MARIA	
	<b>Examiner</b> Ninh H. Nguyen	<b>Art Unit</b> 3745	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for lack of antecedent basis for the limitation "the package" as recited on line 2 of claim 5. Claim 13 is indefinite as being dependent on claim 5.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 and 9-13, as far as they are definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Adamson (3,542,152).

Adamson discloses a noise reduction conduit for non rotary components of an aircraft engine (Figs. 1-3), an annular structure composed of an aerodynamic wet wall 24, perforated and resistant mechanically and thermally; a dry wall 16, not resistant and of light weight; and of some intermediate elements 28 to which both walls are mechanically attached and that define a jump or difference of temperature between the wet and dry walls; between which wet and dry walls there are partitions that define cavities 80 isolated with regard to each other (Figs. 2, 3); wherein the noise reduction conduit has a revolution configuration (Fig. 1);

wherein the dry wall defines with the wet wall several cavities 80, in circumferential direction as well as in axial direction (Fig. 1);

wherein the cavities are filled with a structure 28 with acoustic damping characteristics;

wherein the intermediate elements joining both walls consist of resistant elements 28;

wherein the intermediate elements joining both walls consist of the structure 28 that fills the cavities;

wherein that the wet wall is inherently provided with structural reinforcement ribs (for radially supporting the nacelle structure 18; Fig. 2);

wherein the conduit is constituted of independent components, connected to each other by means of removable joining elements (Figs. 2, 3); and

wherein that the intermediate elements joining both walls consist of a honeycomb structure (Fig. 3), defining directly cavities isolated with regard to each to other.

5. Claims 1-6, 9, and 10, as far as they are definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Heufler et al. (4,828,175).

Heufler discloses a noise reduction conduit for non rotary components of a snow making machine (Figs. 1-4), an annular structure composed of an aerodynamic wet wall 21, perforated and resistant mechanically and thermally; a dry wall 22, not resistant and of light weight; and of some intermediate elements to which both walls are mechanically attached and that define a jump or difference of temperature between the wet and dry walls; between which wet and dry walls there are partitions that define cavities S isolated with regard to each other;

wherein the noise reduction conduit has a revolution configuration (Fig. 2);

wherein the dry wall defines with the wet wall several cavities S, in circumferential direction as well as in axial direction (Fig. 2);

wherein the cavities are filled with a material 25 with acoustic damping characteristics;

wherein the intermediate elements joining both walls consist of resistant elements 24;

wherein that the wet wall is provided with structural reinforcement ribs 14;

wherein the conduit is constituted of independent components, connected to each other by means of removable joining elements (Figs. 2, 3).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heufler et al.

Heufler discloses all the limitations except the wet wall and the dry wall are not formed with different materials as claimed.

Since the wet wall contact the working fluid and the dry wall only provides a housing for the device, it would have been obvious to a person having ordinary skill in the art at the time the invention was made, to make the wet wall and dry wall out of different materials for cost saving and aesthetic purposes.

Art Unit: 3745

***Prior Art***

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 2 patents.

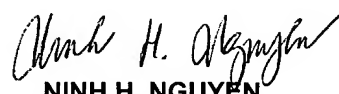
Smith (2,988,302) and Webb (5,592,813) are cited to show different noise suppression devices for turbine engines.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ninh Nguyen whose telephone number is (703) 305-0061. The examiner can be normally reached on Monday-Friday from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (703) 308-1044. The fax number for this group is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

  
NINH H. NGUYEN  
PRIMARY EXAMINER

Nhn  
September 17, 2004